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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16 *E-FILED - 5/4/07*

17 13 UNITED STATES OF AMERICA,) No. CR 07-00058 RMW
18 14 Plaintiff,)
19 15 v.) STIPULATION AND []
20 16 MATTHEW KEI ENDO,) ORDER EXCLUDING TIME
21 17 Defendant.) SAN JOSE VENUE
22 18 _____)

23 On April 30, 2007, the undersigned parties appeared before the Court for a status hearing. At
24 the hearing, Assistant Federal Public Defender Nick Humy explained he had an opportunity to
25 review the digital evidence with Assistant United States Attorney Susan Knight and the case
26 agent, and that the parties needed additional time to discuss a potential resolution to the case.
27 The parties then requested that the case be continued to June 25, 2007 for either a change of plea
28 hearing or to set a motions schedule. In addition, the parties requested an exclusion of time
under the Speedy Trial Act from April 30, 2007 until June 25, 2007. The parties agree and
stipulate that an exclusion of time is appropriate based on the defendant's need for effective
preparation of counsel.

1 SO STIPULATED: SCOTT N. SCHOOLS
2 United States Attorney

3 DATED: /s/
4 SUSAN KNIGHT
Assistant United States Attorney

5 DATED: /s/
6 NICK HUMY
Assistant Federal Public Defender

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8 The Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from
9 April 30, 2007 until June 25, 2007. The Court finds, based on the aforementioned reasons, that
10 the ends of justice served by granting the requested continuance outweigh the best interest of the
11 public and the defendant in a speedy trial. The failure to grant the requested continuance would
12 deny defense counsel reasonable time necessary for effective preparation, taking into account the
13 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
14 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
15 (B)(iv).

16 SO ORDERED.

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18 DATED: 5/4/07 
19 RONALD M. WHYTE
United States District Judge